

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

May 22, 2014

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VIA HAND DELIVERY

Mr. James Wasilak
Chief of Planning
City of Rockville
111 Maryland Avenue, Room 217
Rockville, Maryland 20850

Re: Five Irvington Centre, King Farm: Application for Major Site Plan Amendment

Dear Mr. Wasilak:

On behalf of our client, King Farm Associates, LLC ("KFA"), and pursuant to Section 25.05.07.c of the City of Rockville's Zoning Ordinance ("Zoning Ordinance"), enclosed please find an Application for a Major Amendment to CPD2005-002AK ("F-5 Approval") that will require Level II Site Plan review ("Application"). The intent of the Application is to allow for development of the subject property with approximately 76 residential townhouse units ("Project").

1. Background

The subject property, zoned PD-KF, is currently undeveloped land in the Irvington Centre portion of the King Farm 430.63-acre comprehensive planned development. The property is located at the intersection of King Farm Boulevard and Piccard Drive, near I-270, and is known as Parcel F-5, with a street address of 901 King Farm Boulevard ("Property"). A copy of the Tax Map and relevant tax sheet are attached as Exhibit "A". The Property is 3.73 acres in size and is recorded in the Montgomery County Land Records as Parcel BN King Farm, Irvington Centre, as shown on Plat No. 23840, a copy of which is attached hereto as Exhibit "B".

2. Previous Approval

The Property is subject to the King Farm Annexation Agreement, effective September 22, 1995 ("Annexation Agreement") and Resolution No. 10-96 approving Concept Plan CPD 95-0002, approved by the Mayor and Council on July 8, 1996 ("Original Concept Plan"). As referenced above, a Detailed Application for the Property was approved by the Planning Commission by Resolution dated July 5, 2005, a copy of which is attached as Exhibit "C". The F-5 Approval



Mr. James Wasilak
May 22, 2014
Page 2

consists of a 352,565 square-foot office building, including 5,000 square feet of retail/restaurant uses and 4,087 square feet of conference and fitness space.

3. Proposed Project

On May 21, 2013, KFA requested the Mayor and Council's consent for the Project pursuant to the Annexation Agreement and Concept Plan, which consent was granted on September 9, 2013 by Resolution No. 9-13, a copy of which is attached as Exhibit "D". The Application will implement this approval by permitting the design and construction of 76 townhouse units, including 12.5% moderately priced dwelling units, on the Property. The proposed townhouses will have garages in the rear and will front on Piccard Drive and King Farm Boulevard, creating a strong urban edge. The townhouses will be four stories in height with a flat roof design. As shown on the elevations included in the Application, the townhouse massing and building materials will provide complementary architecture to the surrounding uses, including Irvington Centre and the Upper Rock development. The townhouses will be approximately 1,700 to 2,200 square feet in size, with rear decks and rooftop terraces. Moderately priced units will be interspersed throughout the Property. The Property will also have pocket parks for community use, as well as additional visitor parking.

4. Community Outreach

A Pre-Application Area Meeting Application was filed with the City on September 23, 2013. A Pre-Application Area Meeting was then held on October 9, 2013. As shown in the enclosed Pre-Application Meeting materials, only one person attended the meeting and expressed support for the Project. An Application for a Major Site Plan Amendment was then filed on October 23, 2013¹, and a Post-Application Community meeting was held on November 6, 2013. As shown in the enclosed Post-Application Meeting materials, only two people attended that meeting.

5. Compliance with Zoning Ordinance's Site Plan Requirements

The Project satisfies the requirements of Section 25.07.01.a.3 of the Zoning Ordinance. First, it will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development, be detrimental to the public welfare, or be injurious to property or improvements in the neighborhood. The Project will instead improve currently vacant land with attractive, new residential units that will activate the area.

¹ This filing was not ultimately formally accepted by the City. However, the project proposed in that application is substantially similar to that proposed in this Application and, per Mr. Ray, another Post-Application Community meeting is not required.



Mr. James Wasilak
May 22, 2014
Page 3

Second, the Project will not overburden existing and programmed public facilities. Pursuant to the Annexation Agreement and Original Concept Plan, all of the City's adequate public facilities requirements for the Project have been satisfied. It is noted, however, that the replacement of the previously approved office uses with the proposed townhouse units will significantly decrease the number of traffic trips generated by the Property and required parking, as explained more fully in the Wells & Associates Memorandum dated August 30, 2013 that is included in the Application.

Third, the Project will not adversely affect the natural resources or environment of the City or surrounding areas. Environmental impacts, including forest conservation and stormwater management, were largely addressed as part of the Annexation Agreement and the Original Concept Plan. Included in the Application is an e-mail from Wayne Noll, City Forester, confirming that the Forest and Tree Preservation Ordinance has previously been met by the overall King Farm Forest Conservation Plan, and a letter dated May 6, 2014 from Susan Straus, Chief of Engineering, conditionally approving the Pre-Application Stormwater Management Concept for the Project.

Fourth, the Project is not in conflict with the Plan, as defined in the Zoning Ordinance, and further complies with the Annexation Agreement, Original Concept Plan, and Resolution No. 9-13. Additionally, for the reasons stated above, and as addressed in the Application materials, the Project does not constitute a violation of any provision of the Zoning Ordinance or other applicable law.

Finally, the Project will not be incompatible with the surrounding uses or properties, but rather will complement the surrounding uses, many of which are residential, retail and office, as well as a hotel. The additional residential uses will strengthen the mixed-use character of King Farm, adding activity that will enliven the area and benefit the community. The Project is also well served by the existing King Farm shuttle and is within easy walking distance of the future Corridor Cities Transitway station on King Farm Boulevard.

Parking, lighting, open space and landscaping for the Project are all in accord with Concept Plan Resolution No. 10-96 and the King Farm Design Guidelines. No new signage is proposed as part of the Project. Landscaping, Screening and Lighting Plans in compliance with these requirements are enclosed with the Application.

For all of these reasons, the Project complies with the City's Site Plan requirements.

6. List of enclosures

Enclosed please find copies of each of the following, associated with the Application:



Mr. James Wasilak
May 22, 2014
Page 4

- (1) Completed Application for Major Site Plan Amendment;
- (2) Checks for the necessary filing fees;
- (3) Pre-Application Meeting documentation;
- (4) A detailed site plan prepared by a professional engineer (12 copies);
- (5) Preliminary building elevations and floor plans (3 copies);
- (6) Transportation Scoping Intake Form and associated Wells & Associates Memorandum;
- (7) Landscape Plans (6 copies);
- (8) May 6, 2014 Letter from Susan Straus confirming conditional approval of Pre-Application Stormwater Management Concept;
- (9) Email from City Forester regarding compliance with the Forest and Tree Preservation Ordinance;
- (10) Fire Protection Site Plan;
- (11) ELEED credit checklist;
- (12) Post-Application Meeting documentation.

We look forward to working with you on this matter. If you have any questions or concerns, or need any additional information, please feel free to contact us.

Very truly yours,

LINOWES AND BLOCHER LLP



Barbara A. Sears



Erin E. Girard

Enclosures

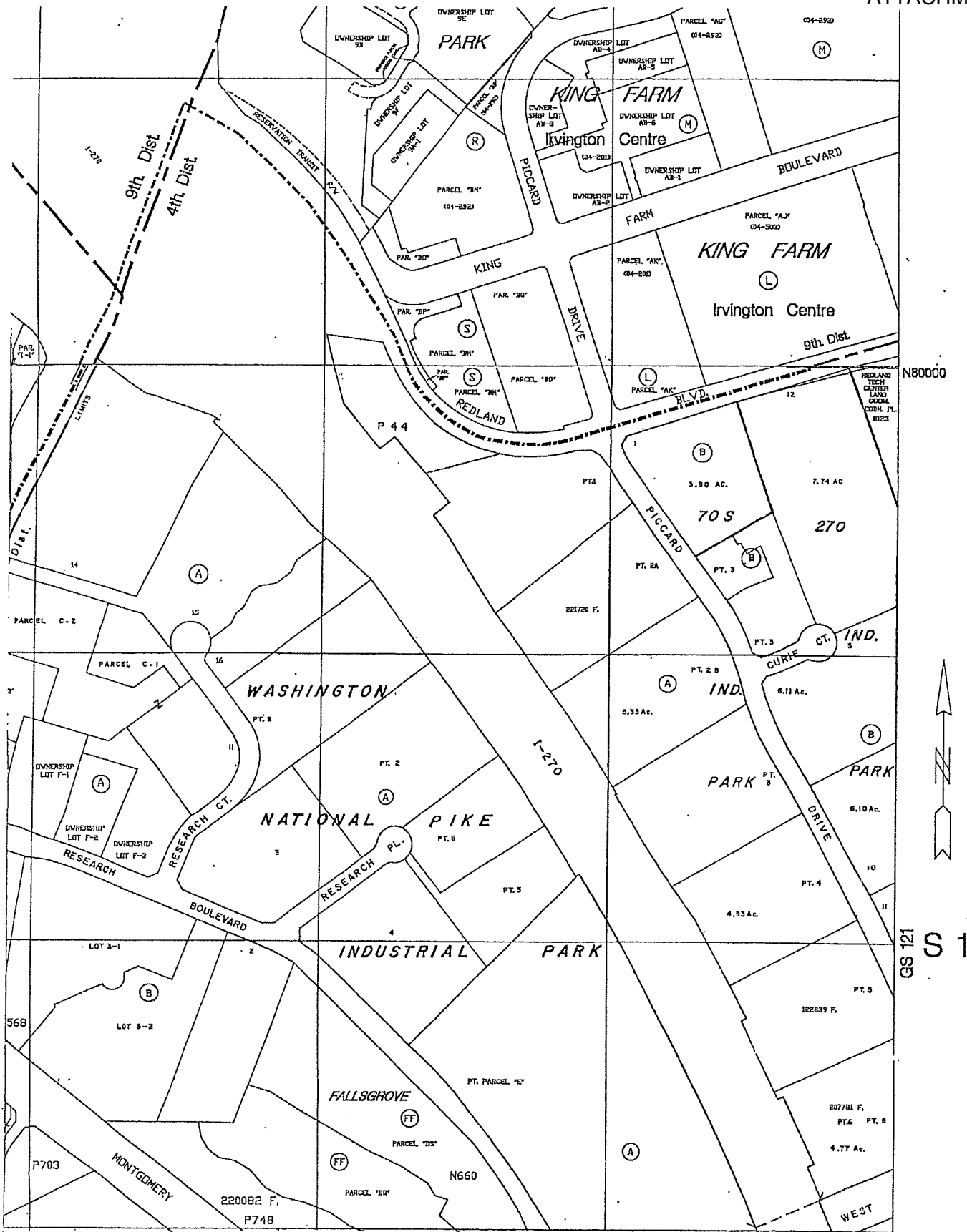


Mr. James Wasilak

May 22, 2014

Page 5

cc: Mr. Jeremy Hurlbutt
Mr. Bobby Ray
Ole Kollevoll, Jr., Esq.
Mr. Tim McDonald
Mr. Harris Schwalb
Mr. Howard Katz



FR 563

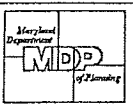
F 6

MONTGOMERY CO.,
MARYLAND

MAP FS 561

W.S.S.C. 220 NW 09
Location: DECOVERLY HALL

TYLINE
 INFORMATIONAL
 DUNDY
 ROAD
 LINE
 AND OWNERSHIP
 NUMBERS - P.M. (ASKED TO IDENTIFY OWNERSHIP, MUST BE PROVIDED BY
 E 1-205 (RF 1:2400) A MAP NUMBER



Search Help

Search Result for MONTGOMERY COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
<u>Account Identifier:</u>		District - 04 Account Number - 03635844			
Owner Information					
<u>Owner Name:</u>		KING FARM ASSOCIATES L L C		<u>Use:</u>	COMMERCIAL
		C/O OLAV KOLLEVOL		<u>Principal Residence:</u>	NO
<u>Mailing Address:</u>		8330 BOONE BLVD #460		<u>Deed Reference:</u>	1)
		VIENNA VA 22182-2624			2)
Location & Structure Information					
<u>Premises Address:</u>		901 KING FARM BLV ROCKVILLE 20850-0000		<u>Legal Description:</u>	PAR BN KING FARM IRVINGTON CENTRE
<u>Map:</u>	<u>Grid:</u>	<u>Parcel:</u>	<u>Sub District:</u>	<u>Subdivision:</u>	<u>Section:</u>
FS62	0000	0000		0292	
				<u>Block:</u>	<u>Lot:</u>
				R	
				<u>Assessment Year:</u>	<u>Plat No:</u>
				2012	23840
					<u>Plat Ref:</u>
<u>Special Tax Areas:</u>			<u>Town:</u>		
			ROCKVILLE		
			<u>Ad Valorem:</u>		
			<u>Tax Class:</u>		
			4		
<u>Primary Structure Built</u>		<u>Above Grade Enclosed Area</u>		<u>Finished Basement Area</u>	
				<u>Property Land Area</u>	
				162,486 SF	
				<u>County Use</u>	
				910	
<u>Stories</u>	<u>Basement</u>	<u>Type</u>	<u>Exterior</u>	<u>Full/Half Bath</u>	<u>Garage</u>
					<u>Last Major Renovation</u>
Value Information					
		<u>Base Value</u>		<u>Value</u>	
				As of	
				01/01/2012	
<u>Land:</u>		1,038,200		07/01/2013	
<u>Improvements</u>		0		As of	
<u>Total:</u>		1,038,200		07/01/2014	
<u>Preferential Land:</u>		0			
Transfer Information					
<u>Seller:</u>		<u>Date:</u>		<u>Price:</u>	
<u>Type:</u>		<u>Deed1:</u>		<u>Deed2:</u>	
<u>Seller:</u>		<u>Date:</u>		<u>Price:</u>	
<u>Type:</u>		<u>Deed1:</u>		<u>Deed2:</u>	
<u>Seller:</u>		<u>Date:</u>		<u>Price:</u>	
<u>Type:</u>		<u>Deed1:</u>		<u>Deed2:</u>	
Exemption Information					
<u>Partial Exempt Assessments:</u>		<u>Class</u>		<u>07/01/2013</u>	
<u>County:</u>		000		<u>07/01/2014</u>	
<u>State:</u>		000		0.00	
<u>Municipal:</u>		000		0.00	
<u>Tax Exempt:</u>				0.00 0.00	
<u>Exempt Class:</u>				0.00 0.00	
		<u>Special Tax Recapture:</u>			
		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.



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CITY ATTORNEY
Paul T. Glasgow

July 5, 2005

King Farm Associates
Attention: Mr. Mark Gregg
8330 Boone Boulevard, Suite 460
Vienna, VA 22182

Re: Detailed Application CPD2005-002AK, detailed application (final) approval for a 352,565 square foot office building including, 5,000 square feet of retail/restaurant and 4,087 square feet of conference and fitness space, within the Irvington Centre development area of King Farm.

Dear Mr. Gregg:

At its meeting of June 8, 2005, the Rockville Planning Commission reviewed and conditionally approved the above-referenced Detailed Plan Application. The application is for detailed (final) approval for a 352,565 square foot office building including 5,000 square feet of retail/restaurant and 4,087 square feet of conference and fitness space, at the intersection of King Farm Boulevard and Piccard Drive, within the Irvington Centre office area.

Approval was granted, subject to the following conditions:

1. Submission, for approval by the Chief of Planning, of eleven (11) copies of the site plan, revised according to Planning Commission Exhibit A.
2. Submission, for approval by the Department of Public Works (DPW), of the following detailed plans, studies and computations:
 - a. Stormwater Management (SWM) concept plan.
 - c. Sediment control plans.
 - d. Public Improvement plans (storm drain and paving, street trees and lighting).
 - e. Any additional notes on the plans.
 - f. Flood plain variance request as required.
3. Submission for the approval of the Chief of Planning, of 11 copies of a Landscape Plan that is revised according to Planning Commission Exhibit B.

Exhibit "C"

Mr. Gregg
July 5, 2005
Page 2

4. Post bonds and obtain permits from DPW for sediment control, stormwater management and work in the public right of way.
5. Provide stormwater management in accordance with the City of Rockville and State of Maryland regulations. Pretreatment and on-site ground water recharge are required.
6. Provide a 10' Public Utility Easements adjacent to roads surrounding the site if required and provide information on how private utilities will access the site. No structures or planters are permitted in the Public Utility Easements.
7. Provide a minimum of five (5) bicycle parking spaces in a convenient location. Show location and number of proposed bike racks.
8. All internal and external traffic control devices (i.e., signs, signals, markings, and devices placed on, over or adjacent to a roadway or pathway to regulate, warn or guide pedestrians and/or vehicular traffic) must comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD), which is currently the Millennium Edition. A signing and pavement-marking plan must be submitted to the Department of Public Works and approved by the Chief of Traffic and Transportation before the issuance of a Public Works permit.
9. Applicant shall provide carpool spaces at priority locations per Department of Public Works approval as needed on the site.
10. The applicant is required to provide one shower facility that will be available to all tenants of the building.
11. The applicant must show the location for the bus stop/shuttle refuge area for passenger assembly.
12. A Final Forest Conservation Plan for the stream buffer adjacent to this area must be submitted with this application. Reforestation for the stream buffer area must be concurrent with development of this site.
13. Use London Planetree as the street tree along Piccard Drive per the City of Rockville's street tree master plan.
14. Increase the variety of large shade tree species within the site.
15. Replace planting specifications with City of Rockville planting specifications.
16. Include City of Rockville Tree Planting notes. A pre-planting meeting with the City of Rockville Forestry staff is required.

Mr. Gregg
July 5, 2005
Page 3

17. The developer agrees to provide for a publicly accessible art component consistent with the objectives outlined in the Publicly Accessible Art in Private Development ordinance (adopted February 2004). The required expenditure is calculated in accordance with the following schedule:

Total square footage for the project 352,565.

First 100,000 square feet x \$.32 =	\$32,000
Second 100,000 square feet x \$.25 =	\$25,000
Additional 152,565 square feet x \$.16 =	<u>\$24,410.40</u>
Total	\$81,410.40

Many options for compliance are available to the applicant. Options may include, but are not limited to visual art on-site, donation to the City's Friends of the Arts fund or to an eligible arts organization, build arts infrastructure or space for arts activities or partner with another development within the same planning area. The Art in Private Development manual is available on the City's website (www.rockvillemd.gov) under the City Business section.

18. Applicant will work with the planning staff and the developer of the adjacent property, "Upper Rock," to explore means of providing a pedestrian connection from the Upper Rock site to Piccard Drive. This effort shall not delay implementation of the approved detailed application. This may entail use of the forest conservation parcel that is to be conveyed to the City, if approved by the City and without loss of forest conservation credit to the King Farm development.

Your attention is directed to Section 25-658 of the City of Rockville Zoning and Planning Ordinance, which specifies the effect of approval of a Detailed Application. Section 25-193(d) of the Zoning Ordinance requires that **construction or operation must commence within two (2) years of the date of this letter (July 5, 2007) or application approval shall expire**. If the applicant can show just cause, a maximum of two (2) time extensions may be granted by the Planning Commission, each not to exceed one year. However, time extensions are not automatically approved, and sufficient detail and justification will be required in order for the Planning Commission to consider granting an extension.

By Direction of the City
of Rockville Planning Commission

R. James Wasilak

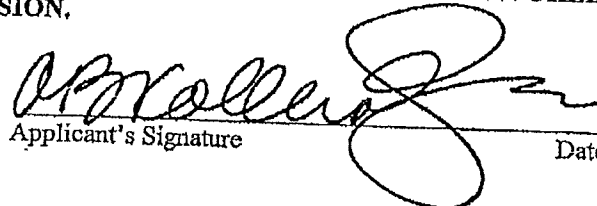
R. James Wasilak, AICP
Chief of Planning

Note: A building permit may be issued only when the conditions of approval have been met and a copy of the following acknowledgment, signed and executed by the applicant, has

Mr. Gregg
July 5, 2005
Page 4

been returned to the Planning Division office. Be advised that this approval does not constitute approval by any department or agency having jurisdiction over this development project.

I ACKNOWLEDGE RECEIPT OF CPD2004-002AK, AND AGREE TO FULLY COMPLY WITH CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE PLANNING COMMISSION.

 July 12, 2005
Applicant's Signature Date

OLAV B. KOLLEVOLL, JR.
Applicant's Printed Name Date
AUTHORIZED PERSON

/rjt

cc: Art Chambers, Director of Community Planning and Development Services
Susan Straus, Acting Director of Public Works
Edward J. Duffy, Acting Chief of Inspection Services
Christine Heckhaus, Recreation and Parks Administrative Services Manager
Mark Wessel, Civil Engineer III
Sandra Marks, Civil Engineer I
Susan Nolde, City Forester
Rebecca Torma, Planner II
Planning Commission



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CITY CLERK
Claire F. Funkhouser

CITY ATTORNEY
Paul T. Glasgow

July 7, 2008

Tim McDonald
King Farm Associates
8330 Boone Boulevard, Suite 460
Vienna, Virginia 22182

Re: Second Time Extension for Comprehensive Planned Development
Detailed Application CPD2005-002AK, King Farm Irvington Center F-5
Office Building

Dear Mr. McDonald:

At its meeting on July 2, 2008 the Planning Commission granted a second and final one-year time extension for Comprehensive Planned Development Detailed Application CPD2005-002AK. The validity period for the approved Detailed Application, for a 352,565 square foot office building at the corner of King Farm Boulevard and Piccard Drive, has been extended to July 5, 2009.

Section 25-193 (d) of the Zoning Ordinance requires that "construction or operation shall commence within two years of the date of issuance or the use permit shall become void." A total of two, one-year extensions each may be granted by Planning Commission for good cause shown. Therefore, no further time extensions are possible.

Sincerely,

R. James Wasilak
R. James Wasilak, AICP
Chief of Planning

cc: Sondra Block, Assistant City Attorney
Charles Baker, Chief of Inspection Services
Craig Simoneau, Director of Public Works
Susan Straus, Chief Engineer-Environment
Emad El-Shafei, Chief of Traffic and Transportation
Jeremy Hurlbutt, Planner II
Craig Daly, Civil Engineer II-Environment



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CITY ATTORNEY
Paul T. Glasgow

June 18, 2007

Tim McDonald
King Farm Associates
8330 Boone Boulevard, Suite 460
Vienna, Virginia 22182

KF: F-5 5.1.3
JMS
06/28/07

Re: Time Extension for Comprehensive Planned Development Detailed
Application CPD2005-002AK, King Farm Irvington Center F-5 Office
Building

Dear Mr. McDonald:

At its meeting on June 13, 2007 the Planning Commission granted a one-year time extension for Comprehensive Planned Development Detailed Application CPD2005-002AK. The validity period for the approved Detailed Application, for a 352,565 square foot office building at the corner of King Farm Boulevard and Piccard Drive, has been extended to July 5, 2008.

Section 25-193 (d) of the Zoning Ordinance requires that "construction or operation shall commence within two years of the date of issuance or the use permit shall become void." A total of two, one-year extensions each may be granted by Planning Commission for good cause shown. Therefore, one additional time extension is possible.

Sincerely,

R. James Wasilak

R. James Wasilak, AICP
Chief of Planning

cc: Sondra Block, Assistant City Attorney
Charles Baker, Chief of Inspection Services
Craig Simoneau, Director of Public Works
Susan Straus, Chief Engineer-Environment
Emad El-Shafei, Chief of Traffic and Transportation
Jeremy Hurlbutt, Planner I
Craig Daly, Civil Engineer II-Environment

Resolution No. 9-13

RESOLUTION:

To approve with
conditions of King
Farm Associates for
additional Residential
Units at King Farm

WHEREAS, on July 8, 1996, the Mayor and Council approved Resolution No. 10-96 approving CPD 95-0002 ("Concept Plan Application") for a comprehensive planned development on 430.63 acres, more or less, called the "King Farm," located east of Interstate 270, north of Gude Drive, south of Shady Grove Road, and west of Frederick Road (MD 355) in accordance with the plans submitted under the O-3 zoned Comprehensive Planned Development Special Development Procedure Provisions of the City of Rockville Zoning and Planning Ordinance (the "Approved Concept Plan"); and

WHEREAS, Resolution No. 10-96 approved, *inter alia*, 3,100,700 square feet of office space and 3,200 residential units with the provision that the 3,200 residential units may be increased to 3,600 residential units subject to the approval of the Mayor and Council; and

WHEREAS, King Farm was annexed into the City of Rockville from Montgomery County, effective September 22, 1995, and an annexation agreement was signed on August 7, 1995 by Helios/Towle LLC, now known as King Farm Associates, and the Mayor and Council of Rockville to outline issues related to the future development of the property ("Annexation Agreement"); and

WHEREAS, the Annexation Agreement provides that the King Farm will, *inter alia*, be developed with 3,200 dwelling units and that King Farm Associates as owner may increase the number of residential dwelling units to be constructed at King Farm to 3,600 dwelling units, subject to the reasonable approval of the Mayor and Council of Rockville; and

Exhibit "D"

Resolution No. 9-13

2

WHEREAS, the additional 400 dwelling units allowed by Resolution 10-96 and the Annexation Agreement were included at the time the Comprehensive Planned Development was reviewed by the Mayor and Council and were found to meet the required findings of the Zoning and Planning Ordinance for approval, including the availability of adequate public facilities; and

WHEREAS, the Approved Concept Plan consists of Resolution No. 10-96 and all exhibits in Resolution No. 10-96 listed in Paragraph I thereof, including Exhibit 2A-D, entitled "Land Use Plan"; and

WHEREAS, the Land Use Plan approved as part of the Approved Concept Plan designates Irvington Centre, which includes Parcel F-5 and Parcel F-6, for use as "Office – 3-12 stories" and provides that 300 residential units may be located in the Office Designated Area; and

WHEREAS, on August 4, 2003, the Mayor and Council approved Resolution No. 25-03, approving Concept Plan Application CPD 1995-0002A ("First Amendment Application"), to allow a maximum square footage of 175,000 square feet of hotel use, including ancillary uses, as an alternative use to an equivalent amount of approved office space in one of three undeveloped areas; and

WHEREAS, on March 14, 2005, the Mayor and Council adopted Resolution No. 6-05 approving Amended Concept Plan Application CPD 1995-0002A ("Second Amended Concept Plan Application") to allow a maximum of 1,200,000 square feet of independent living, assisted living, and/or nursing home uses, and related recreation and commercial use facilities, as an alternative use to an equivalent amount of approved office space in an undeveloped area (collectively, the Approved Concept Plan, First Amended Concept Plan and Second Amended Concept Plan hereinafter called the "Concept Plan"); and

Resolution No. 9-13

3

WHEREAS, to date 3,200 dwelling units, including 350 MPDUs, have been constructed at King Farm; and

WHEREAS, on May 21, 2013, King Farm Associates filed a letter submission with the Mayor and Council pursuant to the Annexation Agreement and Concept Plan requesting approval of 144 residential units on two sites located in the Irvington Centre office area of King Farm, identified as Parcels F-5 and F-6 (the "Residential Request"); and

WHEREAS, the Planning Commission, at its meeting of July 10, 2013, reviewed the Residential Request and forwarded its recommendation for approval to the Mayor and Council of Rockville by memorandum dated July 18, 2013; and

WHEREAS, King Farm Associates gave notice that a public hearing on the Residential Request would be held by the Mayor and Council of Rockville on July 29, 2013; and

WHEREAS, on July 29, 2013, the Residential Request came on for hearing before the Mayor and Council; and

WHEREAS, the matter having been fully considered by the Mayor and Council, the Mayor and Council having decided that approval of King Farm Associates' request for 144 residential units located on Parcels F-5 and F-6 would promote the health, safety and general welfare of the citizens of Rockville, the Mayor and Council further finding pursuant to the Annexation Agreement, Concept Plan, the Planning Commission Recommendation dated July 18, 2013, and the public hearing of July 29, 2013, as well as the remaining matters contained in the Record, that the development proposed by the Residential Request, subject to the conditions, limitations, additions and modifications set forth herein, maintains the findings made at the time of approval of the Approved Concept Plan for the entire King Farm as follows:

Resolution No. 9-13

4

1. Will not adversely affect the health or safety of persons who will reside or work in the neighborhood of the proposed development; and
2. Will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development; and
3. Will not be inconsistent with the intent or purpose of Article XII, Division 7, and the Concept Plan; and
4. Will not be contrary to the requirements contained in Division 5 of Article XII; and
5. Will not overburden public services including water, sanitary sewer, public roads, storm drainage or other public improvements; and
6. Complies with the development standards and requirements set forth in Division 7 of Article XII; and
7. Complies with any applicable development staging and adequate public facilities requirements included in the Concept Plan; and
8. Complies with the provisions of Chapter 25 of the Zoning and Planning Ordinance; and
9. Will not be inconsistent with the Plan as said term is defined in Chapter 25 of the Zoning and Planning Ordinance; and
10. Will not adversely affect the health or safety of persons residing or working in the subdivision or neighborhood; and
11. Will be suitable for the type of development, the use contemplated, and available public utilities and services; and

Resolution No. 9-13

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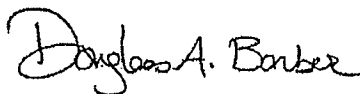
12. Will not unreasonably disturb existing topography, in order to minimize stormwater runoff and to conserve the vegetation cover and soil.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that the Residential Request be, and the same is hereby, approved with the following terms, conditions and limitations: herein.

A. A total of 144 townhouse dwelling units, including 12.5 percent Moderately Priced Dwelling Units, may be constructed on King Farm Parcels F-5 and F-6.

B. Upon approval of a Site Plan pursuant to Article 7 of the Zoning Ordinance of the City of Rockville and consistent with this Resolution (the "Site Plan"), the total remaining approved and unbuilt office density for the King Farm shall be reduced on a one square foot to one basis by the estimated square footage of a townhouse unit (2400 square feet) multiplied by the total number of dwelling units (144) approved by the Site Plan (total of 345,500 square feet).

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Mayor and Council at its meeting of September 9, 2013.



Douglass Barber, , City Clerk